



Minutes Council Meeting

Tuesday 13 December 2022 at 6:00 pm

**Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875**

Councillors

Crs Mark Reeves (Mayor), Arthur Allen (Deputy Mayor),
Sonia Buckley (online), Tom Crook, Jane Greacen OAM, Trevor Stow,
Mendy Urie(online), Kirsten Van Diggele (online), and John White

Attachments referenced in these minutes can be located in the meeting agenda on East Gippsland Shire Council's website.

Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

Our Strategic Objectives

1. An inclusive and caring community that respects and celebrates diversity.
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
3. A natural environment that is managed and enhanced.
4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
5. A transparent organisation that listens and delivers effective, engaging and responsive services.

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1 Procedural

1.1 Recognition of Traditional Custodians

Welcome to East Gippsland Shire Council's meeting of Tuesday 13 December 2022.

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawal people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

The East Gippsland Shire Council live streams, records and publishes its meetings via webcasting. During the meeting, any members of the public who are addressing the Council will have their image and comments recorded.

No other person has the right to record Council meetings unless approval has been granted by the Chair.

In line with the *Local Government Act 2020* Councillors are able to attend Council meetings electronically or in person and the meetings will be open to the public via livestreaming.

If Council encounters technical difficulties with the livestreaming during the meeting, we will adjourn until the issue is resolved. If technical issues can't be resolved the meeting may be postponed to a later time or date.

A member's attendance can only be recorded as present at a Council meeting when the member can confirm that they meet all of these criteria:

1. They can hear proceedings;
2. They can see other members in attendance and can be seen by other members;
3. They can be heard (to speak).

I will now confirm with Councillors Urie and Buckley that they can see, hear and be heard and to note assurance that the location that they are participating from is secure to ensure deliberations are confidential.

- Can you see and hear us?
- Can you confirm that the location you are participating from is secure to ensure confidential items are dealt with in a confidential manner?

Councillors Urie and Buckley confirmed.

1.2 Apologies

Nil

1.3 Declaration of Conflict of Interest

Nil

1.4 Confirmation of minutes

Motion

Moved: Cr Tom Crook

Seconded: Cr Jane Greacen OAM

That the minutes of the Unscheduled Council meeting held Tuesday 29 November 2022 be confirmed.

CARRIED

1.5 Next meeting

The next Council Meeting of Tuesday 7 February 2023 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for leave of absence

Nil

1.7 Open Forum

1.7.1 Petitions

Nil

1.7.2 Questions of Council

Nil

1.7.3 Public Submissions

Nil

1.8 Items to be tabled

In accordance with section 147(4) of the *Local Government Act 2020*, a copy of the Arbiter's decision and statement of reasons on the matter of an Internal Arbitration Process application by Councillors Arthur Allen (representative), Tom Crook, Jane Greacen, Mark Reeves and Mendy Urie concerning Councillor Sonia Buckley is tabled and subsequently recorded in the minutes of the meeting.

Attachments

1. Arbiter Decision and Statement of Reasons [**1.8.0.1** - 3 pages]

2 Notices of Motion

2.1 Notice of Rescission - Audit and Risk Committee Appointment

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

This item was considered in the Closed Council Meeting at item 7.1.

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Jane Greacen OAM

Cr Jane Greacen OAM spoke to her written report at page 9.

4.2 Cr John White

Cr White provided a verbal update.

4.3 Cr Mendy Urie

Cr Mendy Urie spoke to her written report at page 11.

4.4 Cr Sonia Buckley

Cr Sonia Buckley provided a verbal update.

4.5 Cr Tom Crook

Cr Tom Crook provided a verbal update.

4.6 Cr Trevor Stow

Cr Trevor Stow provided a verbal update.

4.7 Cr Arthur Allen

Cr Arthur Allen spoke to his written report at page 12.

4.8 Cr Mark Reeves

Cr Mark Reeves spoke to his/her written report at page 13.

4.9 Cr Kirsten Van Diggele

Cr Van Diggele submitted a written report at page 16.

Councillor Reports

Cr Jane Greacen OAM

30/11/22 - I attended the Rural Agency Network Support Services meeting online.

The meeting was well attended, and presentations made by Connect Well, Services Australia and Frontier Services, as well as reports from Adventist Development and Relief Agency, Anglicare, Country Women's Association, Gippsland Farm Relief, National Emergency Management Agency, Rural Aid, Rural Financial Counselling Services, St Vincent de Paul, Agriculture Victoria, Neighbourhood House (Bairnsdale), Red Cross, Gippsland Community Legal Services and Council. It was ably chaired by Kaylene Wickham. It seems that everyone is still working hard supporting people since the fires and with Covid.

There is an ongoing high-level need for farmers and community to have access to mental health services. A recent Christmas event attracted 150 people. There will be a working dog's trial in Ensay in January 2023, and these events attract a lot of farmers and community.

Simone Elias from Gippsland Community Legal Service talked about the great need for support for people to make Wills, and their "Medical Decision-making" documents. She also said there is a real need for governance training for the CRCs. And she referred to the "Be Ready" program and the legal side of evacuation orders - to stay or go. There is still a long way to go with recovery from the Bushfires.

01/12/22 - Sustainability Victoria webinar about the regulations on single use plastics. This was useful as it had presentations from South Australia and the Australia Capital Territory (ACT), that have already introduced regulations for this purpose. Adelaide is well down the track in trialing multi-bins in Rundle Mall; engaging local traders and having good take-up by local independent cafes etc, but harder with the chains as requires changes all the way up the chain. 50% already have some level of organic food collection.

In the ACT, they undertook a 12-month consultation, then an education campaign for businesses and stakeholders for 12 months before the introduction. They run Plastic free events – some easy swap-outs (bowls, plates, takeaway containers). Harder with the bioplastics and water bottles.

05/12/22 - Disability Advisory Committee (DAC). Sadly, one member of this committee had recently passed away, and the meeting was thus not well attended. Bianca Bassett has been appointed by Council as a Disability Inclusion Consultant to support the development of the 2023 Disability Action Plan. She asked some general questions including reflecting on what DAC has achieved and what can be achieved moving forward. She talked about having a universal design lens and framework with a committee of accessibility experts.

There was quite a lot of discussion about various issues including:

- ensuring footpaths are accessible and safe, as many throughout East Gippsland are not;
- Suggesting developing Footpath Networks and inviting the public to have input;
- Parks Victoria have areas where wheelchairs are available and people who will push them. Trialblazer wheelchairs at Cape Conran;
- there was some discussion about the Marvaloo that Maroondah City Council are offering Council;
- also the changes being trialled at BARC for neurosensitive people who cannot attend because of some aspects of the pool environment;
- Sensitive Santa also discussed – bring picnic blanket and chair;
- accessible tourism is an \$8M industry, and EG does not do well in this space; and
- accessible paths and rail trails etc for electric mobility devices, needing EV charging along the way.

06/12/22 - Nicole Lees made a speech at the Bairnsdale Library as part of the 16 Days of Activism against Family Violence. Nicole also happens to be disabled and uses a wheelchair. She spoke eloquently and powerfully about acknowledging the ongoing grief experienced by victims of Family Violence (FV), and the narrative that surrounds gender-based violence. She challenged men's behaviour – the accusations of nagging, control-freak, you don't like change, children should be seen and not heard. The sexual violence, the victim-blaming language, the rape myths – did she lead him on? The slut-shaming, had she been drinking alone? Men have high sex drives and needs. The implication that men have no control and it's not their fault. Violence and coercive control. The law courts – in the 2017 murder of Kim Hunt trial, the coroner said 'she was in a bad mood on that day'. It's not all men.

Nicole said we need women in leadership – and not what has happened often when women finally break the glass ceiling only to cement the floor below them. When asked what has changed, Nicole talked about having a Centre of Excellence. Police getting 3 weeks of training. Specialist FV detective units who understand. FV police in every police station. The Orange Door roll-out. Huge amounts of work required for multi-risk assessment – the health sector (mental health, Emergency departments, GPs, allied health). The framework is there. It has to work with early intervention and prevention before a crisis. It needs shifting of community attitudes. The rules of community engagement – football. Changing the rates of disrespect. It requires changing the structure of the courts – look at what happened to Brittany Higgins. It is an old patriarchal system. Invest more in public housing, refuges and support for women. There are huge numbers of women in hotels – it is not safe for them.

07/12/22 - the Gippsland Agriculture Group Xmas Party. This was fun. Santa turned up on his tractor, and kept the kids totally engaged for an hour. There was no sitting on his knee – the kids all gathered around and it was a great opportunity to catchup with people.

08/12/22 - Case for State Forests webinar. Funded by Forestry Australia.

This was interesting, but it was about Queensland, and referred to their low intensity, low harvest yield selective logging practices. This does not occur in Victoria, and so their data does not translate to Victoria. This study looked at the net benefits from multiple uses reserves and functions. They concluded that with this type of forestry practice, the majority of species were not affected, for example there were no changes in koala density in logged vs unlogged areas, and the major drivers for loss of species was not their type of timber harvesting.

Their research showed that protected forests have higher levels of recreation and tourism. They also believe that carbon sequestration value is higher in multi-use forests than protected forests. They explained this, but I did not understand their explanation. However, it is worth noting.

08/12/22 - Skilled Worker Visa Forum:

I also attended this forum, which had a very good turn-up from people and organisations that recruit workers and are very familiar with the visa issues. The presentations were from State and Federal Government officers. The officer who presented from the Victorian Department of Jobs Precincts and Regions was the Manager of Migration Services, Skilled and Business Migration Program. He talked about their three programs and the many different visas.

I must admit I find the combinations of visas very complicated. However, it is worth noting that some of them are pathways to permanent residency, and one of them (the 491 visa) the applicants are nominated by the State Government who then sponsors them.

He also talked about the fact that we have the lowest unemployment rate in history (2%), and the aggravating factors for recruitment being very low rental property and housing accommodation. He said that with Covid and the Federal Government attitude towards students and temporary visa holders being that Australia will not support them during covid, they left. Students are now coming back in good numbers. Backpackers and others are much slower to return. The State Government does not recruit, but it is offering incentives to a priority group. For labour market testing – use Workforce Australia. The Dept Home Affairs has increased permanent migration by 35,000 to 195,000 in 2022-23.

08/12/22 - Planning Forum: Some excellent discussion. Others can report on this.

Queen Forever: a great show that was booked out, and an excited and bopping audience and some entertaining audience participation.

Cr Mendy Urie

Personal circumstances have meant I have had to reduce my attendance at a number of community events in the last few weeks and I am very sorry to have been a late apology for some events.

06/12/22 - As part of the 16 Days of Activism to raise awareness about family violence in East Gippsland, I attended (virtually) an address by Nicole Lee at the Bairnsdale Library. Nicole spoke powerfully and with conviction about the need to continue to challenge bad behaviour, entitlement and disrespect.

A lot of progress has been made in putting structures in place to support those (usually women) who need to leave a violent relationship but stopping bad behavior early and teaching and modelling respectful relationships is essential.

08/12/22 - I joined Cr Van Diggele, Sharon Raguse, some key community members and other Council Officers in an 'early ideation phase' discussion around what the best adult education models could look like in a conversation called "Learn Local". Local Government is being recognised as an important stakeholder in these early and ongoing discussions.

08/12/22 - Rural Councils Victoria (RCV) chair, Mary-Ann Brown, presided an online meeting to present to members the "Climate Change Toolkit", an important piece of work which has been funded by RCV and Regional Development Victoria (RDV) and developed by Ironbark Sustainability.

The work involved a review of Local Government roles and responsibilities and legislative requirements, a survey of member Councils to find out where Councils were currently 'at' with action on climate change, stakeholder interviews, presentation at the RCV conference on 2 September 2022 and review of the draft work by committee members and individual Councillors.

While the presentation appeared to pitch more to those Councils who were just starting out on their adaptation and mitigation journeys, I also think this work will provide some standardisation/benchmarking across the Victorian Councils for what needs to be strong sector-wide action.

It is pleasing that our Council has climate change listed as one of its strategic risks, which means there will be actions, monitoring and progress reporting through the Audit and Risk Committee as well as through the Environmental Sustainability Strategy. This Council approach was supported by the Ironbark presentation team.

Inquiry launched into road resiliency

Many people are talking about the state of our roads, not just in East Gippsland but across the State and much of the Nation. I was pleased to read in one of the many publications Councillors have access to that a Parliamentary Committee Inquiry has been launched into the state of the country's road network since widespread extreme recent flood and weather events and will consider what engineering and structural changes are needed to increase the resilience of the road network.

The impact of natural disasters and climate change on roads in regional, rural and remote areas in particular will be a focus of the enquiry. All Councils will have an opportunity to make a submission to this project run by the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport.

Cr Arthur Allen

Tonight, I would like to make mention of Noweyung. I attended their 68th Annual General Meeting on November 30 2022 and was shocked to learn of the battle for survival that Noweyung is facing. With the introduction of the National Disability Insurance Scheme (NDIS), organisations like Noweyung are faced with serious challenges to remain viable and to be able to provide the programs they historically have. Noweyung is an iconic feature of our community, providing our disabled community access to work and fulfilment. I believe Noweyung is highly valued by all in East Gippsland and wish them well. The Board of Noweyung deserve special recognition. All volunteers led by Bruce Hammond are totally committed to the people of Noweyung and deserve our support and admiration for the work they do. I trust that with their determination and passion, Noweyung will be here for another 68 years.

Our parks and gardens look fantastic! The floral displays in each town are at the absolute best and the lawn areas look great despite the continual rain. So thank you to our parks and gardens staff, your work is very much appreciated.

As we approach Christmas, I would like to thank our officers for their tireless work throughout the year on our behalf. I wish you all a peace filled Christmas and hope you can all enjoy some family time.

To my fellow Councillors, best wishes for Christmas and the year ahead. I think we have enjoyed a good year and worked exceptionally well together and importantly, enjoyed each other's company. And I would like to single out our Mayor Cr Mark Reeves. Mark, I know how hard you work on our behalf and I know Councillors and staff appreciate your efforts, so thank you and I trust you enjoy some well earned rest with your family. Finally, to all East Gippslanders, Merry Christmas and best wishes for the year ahead

Cr Mark Reeves

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The Alpine Rally of East Gippsland took place over 1-4 December 2022. The Alpine Rally is more than a major event for East Gippsland, it is an icon of Australian motorsport and the fifth-oldest motorsport event in the world! The first 'Alpine Thousand-mile Trial' was run by the RACV in 1921. It attracted 28 starters and lasted seven days. This year, we have an event that attracts more than 100 teams, attracts over 2000 people to the region and contributes around \$3 million to the local economy. I welcomed all the drivers and co-drivers from across Australia, New Zealand and further afield, and I wish you all well on what will be a challenging course. I also thanked the event organisers and congratulate them for their work.

East Gippsland is a special part of Australia, and it is events such as the Alpine Rally that allow us to show off our region and attract return visitors. The event, for two-wheel-drive classic rally cars, will cover areas of the shire including Benambra, Bruthen, Ensay, Nowa Nowa, Omeo and Orbost, and as well as being based here in Lakes Entrance. Council supported the Alpine Rally for many years and is pleased to have been able to provide \$10,000 in Regional and District Events Sponsorships funding to this year's event. I note also that Council staff helped the course setters to select a route that will, hopefully, prove impervious to La Nina rains.

02/12/22 - We celebrated dinner with the Youth Ambassadors. We were able to recognise the outgoing ambassadors and welcome several new ambassadors.

03/12/22 - Cassilis Toilet block opening, these public toilets, like the dozens of others around the Shire, are a very visible example of how council's work, rightly, extends far beyond 'roads, rates, and rubbish'. Public toilets support our communities by allowing people to spend more time in an area, whether that be at points of interest, attractions or at shops and services.

It was nice to be there with the community recognising that small projects are just as worthy of being acknowledged as larger projects. Council was able to contribute just over forty-five thousand dollars to the new public toilets. This funding was supported by contributions from:

- East Gippsland Community Foundation,
- the Department of Environment, Land, Water and Planning,
- Omeo Lions Club,
- High Country CWA Branch, and
- volunteers from the Cassilis Recreation Reserve.

These toilets will allow people to linger in the Cassilis area, whether they are using the recreation reserve, attending a community market, visiting the Historic Cassilis Pioneer Cemetery, or just enjoying this part of the world. The toilets are a replacement for an old toilet block which had health and safety issues. I am glad to hear the recreation reserve volunteers are finding the new toilets much easier to maintain than the old block. I'd like to make special mention of the volunteers who donate their time to work for the community on the Cassilis Recreation Reserve. Your contribution is appreciated.

In closing, I'd like to leave you with a piece of toilet trivia. Did you know – out of all Council's toilet blocks (114), our most used facility is in Cann River where the main eastern highway routes of Monaro Highway and Princes Highway meet.

03/12/22 - We attended the Tambo Crossing Community Centre and received their new firefighting appliance. We acknowledge the funding raised and community contribution from the East Gippsland Community Foundation, Country Fire Authority (CFA) among others.

06/12/22 - We opened the Home and HeArt Exhibition at the Forge. This was an exhibition of watercolour works by six local artists who have come together to present their meditations on the theme of home and heart. Artists Madelaine Schumann, Christy Lanyon, Joyce Nowrungsah, Cheri O'Donnell, Kelly Asmus Albornoz and Zoe Brogan have responded to the idea of heart and home - creatively exploring what home means to them.

This Exhibition of their work came about through a collaboration of Council, the Gippsland Family Law Pathways Network, Better Place Australia and the Foundation for Rural and Regional Renewal, as a way to bolster community spirit and support strong, safe, happy communities. Home is where we can find strength and creativity, and as part of Home and Heart, watercolour workshops were run through various Neighborhood Houses across the shire, facilitated by Better Place Australia, where participants created works inspired by the places they call home. The workshop was about more than creating art. It provided an opportunity for many participants to reconnect with community after the disruption of the 2019 bushfires and the pandemic of 2020 and 2021.

We often think of home as a place of safety and refuge, but sadly that's not always the case. This project intersects with the 16 Days of Activism against violence campaign, which raises awareness about the impact of family violence in our homes and communities. Exhibition partner the Gippsland Family Law Pathways Network has set up a kiosk here for the duration of this exhibition which provides information on support services for those facing violence or other challenges.

07/12/22 - Orbost Chamber and the Future of Orbost Project conducted a Jobs Fair at the Golf Club. 50 excellent, well-paid positions were advertised and on a pin-up board. Many booths were occupied by employers and many also advised they had filled positions. On the same evening, Tim Cotter from the Future of Orbost Project conducted another update evening. The focus was on vox-pops with individuals focused on each of the 5 pillars for the project: SAFET. Being, Seeds, Agriculture, Forestry, Education and Tourism. Another excellent event.

08/12/22 - Planning Officers conducted an excellent Planning Forum. It dealt with among others the Rural Land Use Strategy, Housing Strategy, and the Bairnsdale 2050 strategy.

09/12/22 - We opened the Seed Library at Bairnsdale Library. What a great initiative. The Seed Library has been created to help foster community connections, to "grow your own" and enhance well-being. What a great initiative and example of our community working in partnership with Council to deliver what may seem like a small program, but one that can have enormous benefit. I'd like to highlight the passion and contribution of community member, volunteer and Seed Library expert, Grace McCaughey. Grace was responsible for setting up a similar service at Castlemaine Library, and we're now fortunate to have her knowledge and passion being shared here in East Gippsland. The Seed Library has many benefits:

- the role gardening can play in our well-being;
- encourages people to grow their own food (which also helps with living expenses);
- creates connections with others; and
- and it's just another reason to visit the Bairnsdale Library.

So, how does the Seed Library work? The system is simple – any library member (the library is free to join) can request up to three packets of seeds - vegetables, herbs or flowers. You grow the seeds and reap the rewards. There will be seeds available that are suitable for planting in a backyard garden, on a small balcony, or even in a recycled planter on a windowsill. This initiative isn't possible without the support from:

- local garden products supplier Goodman Seeds, which has donated many of the seeds to get the library started;
- our library staff Kylie Pinkerton and Fiona Miller; and
- and Grace and her team of volunteers.

I am sure the Seed Library will be a great success – and look forward to seeing this project bring so much joy to many people.

We should acknowledge the young people who received their VCE results yesterday. We congratulate them on their great achievement, recognise that success is measured in many ways and we bid them well on the next stage of life, be it work, study, gap years.

Christmas Message

I love the festive season. It is a special time to catch up with friends, shop at local stores for treats, take the kids to carols and pageants and reunite with loved ones. Most importantly, it provides us with a moment to pause and reflect on what we achieved this year, perhaps by taking a summer staycation here in Gunaikurnai, Monero and Bidawel country - our own beautiful backyard. It's also that time of year when, in the spirit of togetherness, we help someone who may be less fortunate than ourselves - the bereaved, those battling illness and those who may be lonely or vulnerable.

Looking back on 2022, I am incredibly proud of the accomplishments of our community, notably our collective responses to the *pandemic* and *wild weather*. I thank those who work to protect, support and care for us - including those who will work through the festive period: doctors and nurses, emergency services staff, police and firefighters, care providers, public transport staff, and even our many Council staff.

There are also many achievements by Council that I am honoured to be a part of, including an almost \$10 million investment in adventure tourism in Omeo; a revamp of Bairnsdale Airport; our work with Traditional Owners to improve the trail and Indigenous interpretation and cultural education on Raymond Island's Koala Trail and Discovery Experience; new community halls, sporting facilities and streetscape upgrades in a bunch of towns, the swashbuckling fun pirate playground in Marlo and our ongoing campaign to protect and support both sustainable native forest harvesting and timber workers.

We welcomed 91 new citizens to our Shire through Council-run ceremonies and recognised 117 hard-working volunteers as inductees on our new East Gippsland honour roll.

We can look forward to tourism getting a boost with the rollout of electric vehicle charging stations across the shire, the opening of Bullock Island Bridge in Lakes Entrance, and stages 1 and 2 of the impressive WORLD Sporting Precinct in Bairnsdale reaching completion.

On behalf of the Councillors and staff, I wish you all a Merry Christmas and a very happy and safe New Year.

Cr Kirsten Van Diggele

Youth Ambassador Dinner

I was so happy to be part of the Youth Ambassador dinner, sending off the existing Youth Ambassadors and welcoming some new members. I am really passionate about young people and giving young people a say in Council decision-making and decision-making in the broader community. The Youth Ambassadors (current members and new) have a fire and drive that wants to see change in the community and cannot wait to see what they achieve.

Disability Advisory Committee (DAC)

I attended the last DAC meeting for 2022. Unfortunately, there were a lot of apologies so the meeting was mainly made up of staff and Councillors, but it was great to hear from Bianca Basset (previous chair of the DAC) who is helping the DAC develop their annual action plan and asked question of committee members and Councillors about what is working well in East Gippsland (asking for specific examples) and what changes we would like to see.

Learn Local

I attended the brief Learn Local session, which was a follow up session from an initial roundtable gathering of stakeholders earlier in November. Liz from MGA Group / Workforce Plus was keen to have a deeper conversation with Council Officers and Councillors in relation to adult learning based in Bairnsdale.

Planning Forum

I attended half of the Planning Forum on Thursday 8 December 2022. The topics that were discussed with Councillors, staff and people working in planning from across East Gippsland. The questions that were posed to the group were:

- *What kind of urban growth and housing do we need for the future?*
 - *How do we meet the changing needs of the community?*
 - *How do we protect and support the agricultural sector and provide rural living opportunities?*
 - *How do we encourage diversity and sustainability in new housing development?*
 - *Which locations are critical for future growth?*
 - Bairnsdale:
- *What is our vision for the future?*
- *Where and how should growth occur?*
- *Re-inventing the CBD*

I was unfortunately not able to stay for the whole session, so I missed the opportunity to discuss the Housing Strategy, but I am hoping to receive minutes about what the planners in the region had to say about our current housing crisis.

5 Officer Reports

5.1 Chief Executive Officer

5.1.1 East Gippsland Shire Council and Maroondah City Council Partner Agreement and Donation of Marveloo by Maroondah City Council

Authorised by Chief Executive Officer

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

This report is presented to Council to consider renewing the Partner Agreement (Agreement) with Maroondah City Council (MCC) (Attachment 1) and to consider the offer of a donation of one Marveloo, Australia's first mobile accessible facility.

Council has had an Agreement with MCC since 2015. Local government as a sector regularly collaborate and support to each other through times of adversity and in sharing good practice. Formal arrangements such as the Agreement are not unusual and provide clarity between organisations about the relationships.

Council has, over a long period of time, been upgrading its public toilets to ensure they are accessible and meet the needs of all members of the community. The Marveloo provides an opportunity to provide this service in areas or for events that would not have otherwise had this level of service.

Motion

Moved: Cr Arthur Allen

Seconded: Cr Jane Greacen OAM

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. supports the renewal of a Partner Agreement between East Gippsland Shire Council and Maroondah City Council;**
- 3. authorises the Mayor and Chief Executive Officer to sign the Partner Agreement;**
- 4. accepts the donation of a Marveloo Mobile Accessible Restroom from Maroondah City Council under the Partner Agreement and in support of the Bushfire Recovery, noting the relocation costs will be borne by East Gippsland Shire Council; and**
- 5. notes the ongoing costs to East Gippsland Shire Council, and community benefits related to moving and placement of the Marveloo at different locations around the Shire.**

CARRIED

5.2 Assets and Environment

5.2.1 CON2023 1487 Bullock Island Masterplan Implementation - Construction

Authorised by General Manager Assets and Environment

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachments 1 and 2** to this report are confidential because they contain private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Bullock Island is a significant tourism and passive recreation area for Lakes Entrance and the broader community. Recognising this, in 2019, Council agreed to assume responsibility as Committee of Management for the public spaces.

Council worked with key stakeholders to review and update Bullock Island (masterplan) for the entire island, which was adopted by Council on 1 September 2020 (Item 5.1.1), provided as **Attachment 3**.

The revised masterplan allowed Council to attract significant funding from both the Victorian and Australian Governments. With this funding confirmed, officers expanded the masterplan to a detailed concept plan (**Attachment 4**) and tender specification that allowed for implementation of the funded components of the masterplan.

Undertaking the detailed design work to support the delivery of these projects also identified some native vegetation that needed to be protected, which led to some re-design work and some additional vegetation approvals. These added to the length of time this project was in a design phase.

With the necessary approvals now in place, the project has been tendered and once undertaken will deliver:

- additional carparking;
- a shared trail system;
- boardwalks;
- fishing and viewing platforms;
- improved utilities; and
- additional public seating and picnic tables.

The Masterplan implementation has been the recipient of significant Victorian and Australian Government funds. This has seen the implementation of several projects already, including the replacement of the Bullock Island Bridge. CON2023 1487 is the final contract to be awarded to implement the funded components of the Masterplan.

The purpose of this report is to seek Council approval to appoint a contractor for the upgrade of Bullock Island existing assets as mentioned above. The project has been through an advertised public tender process and has been evaluated by a Tender Evaluation Panel (TEP). The TEP Report is provided as **Confidential Attachment 1**.

Given the size of the project, the tender evaluation was also subject to review by an external probity auditor. The Probity Audit is provided as **Confidential Attachment 2**.

Based on the assessment of tenders, Officers now present a recommendation to Council to award the contract.

Motion

Moved: Cr Arthur Allen

Seconded: Cr Tom Crook

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by Whelans Group Investments Pty Ltd for CON2023 1487 Bullock Island Masterplan Implementation for the contract amount of \$4,219,872.17 exclusive of GST;***
- 3. authorises the Chief Executive Officer to finalise the terms and to sign and seal the contract in the form proposed; and***
- 4. resolves that Confidential Attachments 1 and 2 to the report and all discussions relating to these attachments remain confidential.***

CARRIED

Attendance

Cr Kirsten Van Diggele joined the meeting at 6.51 pm

At this juncture in the meeting Mayor, Cr Mark Reeves confirmed with Cr Kirsten Van Diggele that she can see, hear and be heard and to note assurance that the location that she was participating from is secure to ensure deliberations are confidential.

Cr Van Diggele Confirmed.

5.3 Place and Community

5.3.1 Four-Year Economic Development Strategy Council Action Plan 2022-2026

Authorised by General Manager Place and Community

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

Council has led a thorough co-design process to prepare a 10-Year Economic Development Strategy for our community. The Strategy builds on the Community Vision 2040 adopted by Council in 2021.

There were two primary outputs delivered from this co-design process.

The first being an overarching economic vision and strategy for our region and the 10-Year Economic Development Strategy (Strategy), which was adopted by Council on 8 November 2022.

Secondly, a Four-Year Economic Development Strategy Council Action Plan 2022-2026 (the draft Action Plan) with a sharper focus on the Council's investment, planning, facilitation, and coordination of activities over the short term. The draft Action Plan lists the activity the Council will undertake, the various business units which have responsibility for delivery and timing and provides measures of success against agreed goals. (**Attachment 1**)

Together, the Strategy and the draft Action Plan represent an exciting roadmap for the next phase of East Gippsland's economic development and the prosperity of our communities.

The draft Action Plan is presented for Council's information.

Motion

Moved: Cr Tom Crook

Seconded: Cr Jane Greacen OAM

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. notes the draft Four-Year Economic Development Strategy Council Action Plan 2022-2026; and***
- 3. notes that Officers will continue to review resourcing required to implement the Four-Year Economic Development Strategy Council Action Plan 2022-2026 and the use of the Economic Development Discretionary Fund.***

CARRIED

Other Business

Nil

Cr Arthur Allen / Cr Tom Crook

That Council resolves to move into confidential business pursuant to section 66(2) of the Local Government Act 2020.

CARRIED

The meeting was closed to the public at 6:53 pm.

7 Confidential Business

Council will close the meeting to the public in accordance with the provision of section 66(2) of the *Local Government Act 2020* to consider the following list of items:

7.1 Notice of Rescission - Audit and Risk Committee Appointment

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

7.2 Gippswide Procurement Withdrawal

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

7.3 Home and Community Care Funding Agreements

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains Council business information being information that would, if released, prejudice the Council's position in commercial negotiations.

7.4 Provision of Mental Health and Wellbeing Services - Resilience and Recovery Funding

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains Council business information being information that would, if released, prejudice the Council's position in commercial negotiations.

The meeting was re-opened to the public at 7.47 pm

8 Close of Meeting

Cr Mark Reeves declared the Council Meeting closed at 7.50 pm.

**IN AN INTERNAL ARBITRATION PROCESS FOR EAST GIPPSLAND SHIRE
COUNCIL UNDER SECTION 143 OF THE *LOCAL GOVERNMENT ACT 2020***

LGA IAP REF: IAP 2022-13
APPLICANTS: Crs Tom Crook, Mendy Urie, Jane Greacen, Mark
Reeves, Arthur Allen (representative)
RESPONDENT: Cr Sonia Buckley
HEARING: On the papers
BEFORE: Arbitrator J Silver
DATE OF REASONS: 6 December 2022

Orders

1. The application is dismissed.

APPEARANCES

The hearing was conducted on the papers.

STATEMENT OF REASONS

1. On 24 May 2022, the applicants filed an application with the Principal Councillor Conduct Registrar, alleging that Cr Buckley had engaged in misconduct.
2. On 25 October 2022, the Principal Councillor Conduct Registrar appointed me as arbiter to hear application IAP 2022-13 under sections 144 and 149 of the *Local Government Act 2020* (**‘the Act’**), after an earlier hearing was aborted.
3. The particulars of the allegation, as far as I need to repeat them, are that in a (closed) Council briefing meeting on 19 April 2022, Cr Buckley stated that Councillors were being *‘a little bit misled’* about ongoing lease negotiations for Council land.
4. The briefing was verbal alone, with no briefing paper provided beforehand.
5. Because a recording of the alleged misconduct existed, I considered the application in writing (rather than in-person), as permitted under sub-reg 11(3)(a) of the *Local Government (Governance and Integrity) Regulations 2020*.
6. As a matter of ordinary language, a person can be ‘misled’ by a second person, without that second person intending to mislead. In contrast, if the second person *intended* to mislead, the person led astray has been ‘deceived.’
7. Except if context attaches a different meaning to a word (or phrase), words should be given their ordinary meaning.
8. After making the ‘misled’ statement, Cr Buckley was asked to explain what she meant. She stated that a draft Council lease document had been returned to Council, with annotations. It seems Cr Buckley felt this fact should have been mentioned. But the Mayor, Cr Reeves, interrupted before she could elaborate.
9. Those with a legal or business background would understand that the return of a signed document, but with annotations prepared by one party only, does not lead to a concluded agreement, but is instead considered a counteroffer.

10. Although I am not ultimately sure why Cr Buckley thought the annotated lease was relevant (as she was interrupted), there is no doubt that the standards in schedule 1 of the *Local Government (Governance and Integrity) Regulations 2020* permit Councillors to offer respectful criticisms in closed briefings.
11. That means Councillors can state that information in briefing material is incorrect, missing, or ‘misleading’, even if the Councillor is misinformed, misguided, or simply wrong.¹ And as suggested, someone can be misled innocently.
12. While Cr Buckley could have been more measured in her statement, which no doubt is a fair observation of many first-term Councillors, I find this application devoid of merit, and I dismiss it accordingly

J A SILVER

ARBITER

¹ In contrast to suggesting that a briefing paper ‘contains lies’, which suggests an element of deception: see IAP 2021-25 (*Clancey and Others & Gibson*)